

Notice of Allowability

Application No.

10/647,555

Examiner

Patricia L Engle

Applicant(s)

STAUS ET AL.

Art Unit

3612

-- **Th MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application filed on August 25, 2003.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☒ The drawings filed on 22 December 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 3/8/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Patricia L Engle
Examiner
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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Stephen Salai on May 17, 2004.

The application has been amended as follows:

In the Abstract, line 2, please change "comprises" to --includes--;

In claim 1, line 1, please delete "especially";

In claim 3, line 1, please change "and/or" to --and--;

In claim 6, line 3, please delete "preferably";

In claim 8, line 2, please change "a preferably" to --an--;

In claim 9, line 2, please delete "preferably";

In claim 10, line 2, please delete "preferably";

Please rewrite claim 11 as follows:

11. The weatherseal assembly as set forth in claim 1, wherein said weatherseal is extruded from an elastomeric material.

Please add new claim 12 as follows:

12. The weatherseal assembly as set forth in claim 11, wherein said elastomeric material is selected from the group consisting of thermoplastic elastomer and ethylene propylene diene rubber.

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2. The following is an examiner's statement of reasons for allowance: The primary reason for the allowance of the claims in this application is that the prior art of record does not disclose or suggest a weather seal assembly in combination with a vehicle which includes a body part wherein the weather seal assembly includes a sealing portion and a fastening portion wherein the sealing part includes a sealing lip and an abutment lip, the abutment lip includes a first leg and a second leg, the first leg being connected at one end to the sealing lip and at the other end to the second leg, the second leg being deformable by the vehicle body part such that the first leg move the sealing lip from a first position to a second position contacting the vehicle body part, in combination with the other elements recited.

Norton (US Patent 4,481,736) discloses a weather seal for a vehicle, wherein the weather seal includes a sealing portion and a fastening portion. The fastening portion including a sealing lip (26) and an abutment lip (22) with a first leg. However, the abutment lip (22) does not include a second leg that is deformable by the vehicle body and which causes the first leg to move the sealing lip into the second position. It would not have been obvious to one of ordinary skill in the art at the time of the invention to include a second leg which is deformable and said deformation causes the first leg to move the sealing lip into the second position.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

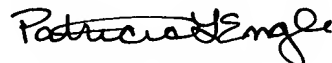
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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L Engle whose telephone number is (703) 306-5777.

The examiner can normally be reached on Monday - Friday from 8:00 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patricia L Engle
Examiner
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May 18, 2004